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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,920	03/11/2004	Amanda Elizabeth Chessell	GB920030048US1	7017

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EXAMINER

LIE, ANGELA M

ART UNIT	PAPER NUMBER
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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/798,920

Applicant(s)

CHESSELL ET AL.

Examiner

Angela M. Lie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 17 are objected to because of the following informalities:
2. In the last paragraph of claims 1 and 17, the applicant recites determination if the intersection of the selected set and profile set is empty, this in fact does not seem to be proper, because if there is no result there would be no intersection. Therefore for the clarity purposes it is suggested to state determining if the intersection exists instead of determining if the intersection is empty.
3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 17, 33 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Siefert (US Publication No. 2002/0194179).**

As to claims 1, 17, 33 and 49, Siefert discloses a method for extracting data from data store comprising a first set of one or more data items, the method comprising the steps of: creating a selected set comprising a second set of one or more data items in accordance with a selection rule (paragraph 62, wherein the search criteria are

considered to form a set according to the selection rule); creating a profile of the data store (paragraph 58, wherein profile describes resources, and set of those descriptive terms form a set), the profile comprising a profile rule defining a profile set (wherein the rule is the level of descriptiveness), wherein the profile set comprises a third set of one or more data items in accordance with the profile rule (i.e. placing words in the set that best describe a repository); responsive to a determination that an intersection of the selected set and the profile set is non-empty, extracting a fourth set of one or more data items from the data store in accordance with the selection rule (paragraph 53, i.e. relevant results); and responsive to a determination that an intersection of the selected set and the profile set is empty, providing an indication that the data store does not include data items in the selected set (if there is no intersection, there is no match to the searching criteria (set established based in the selection rule)).

As to claims 8, 24, 40 and 56, Siefert discloses a method wherein the data store includes a relational database (paragraph 14).

As to claims 9, 25, 41 and 57, Siefert discloses a method wherein the data store includes a hierarchical database (Figure 1A i.e. profile and resource relationship).

As to claims 10, 26, 42 and 58, Siefert discloses a method wherein the data store includes an object oriented database (paragraph 58).

As to claims 11, 27, 43 and 59, Siefert discloses a method wherein the data store includes an input/output software library (Figure 1B).

As to claims 12, 28, 44 and 60, Siefert discloses a method wherein the data store includes a disk storage device (paragraph #317).

As to claims 13, 29, 45 and 61, Siefert discloses a method wherein the data store includes a plurality of disk storage devices (paragraph #317).

As to claims 15, 31, 47 and 63, Siefert discloses a method wherein the data store includes a random access memory (Figure 1D, wherein server machine comprises RAM memory).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-7, 18-23, 34-39 and 50-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (US Publication No. 2002/0194179) in the view of Asherman (US Patent 6738775).** Siefert teaches all the limitations disclosed in claims 1, 17, 33 and 49, however he does not explicitly teach that the first data set comprises numeric, string, date, graphical, sound and video data. Asherman teaches a database communication system wherein the database supports all of the above listed file types (column 7, lines 61 and 62; column 11, lines 24-29). It would have been obvious to one of the ordinary skill in the art during the time the invention was made to store any or all of the above listed file formats in the database, because all those file type are very well

known in the art and there often is a need for storing those file in well organized data set (database).

8. **Claims 14, 30, 46 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (US Publication No. 2002/0194179) in the view of Kolovson (US Patent 5951695).** Siefert teaches all the limitations disclosed in claims 13, 29, 45 and 61 respectively, except for the plurality of disk storage devices including a redundant array of independent disks. Kolovson teaches a database set up into a Redundant Array of Independent disks (column 4, lines 38-47). It would have been obvious to one of the ordinary skill in the art during the time the invention was made, to use RAID set up for the database in order to minimize possible loss of the important data or/and increase the speed of the access time (wherein the specific advantages depend on specific RAID type).

9. **Claims 16, 32, 48 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siefert (US Publication No. 2002/0194179) in the view of Jiang et al (US Patent No. 6385641).** Siefert discloses all the limitations disclosed in claims 1, 17, 33 and 49 respectively, however he does not explicitly teach that the creating profile step takes place when the data store is idle. Jinag teaches prefetching data when network link and files are in idle state (column 1, lines 47-55). It would have been obvious to one of the ordinary skill in the art during the time the invention was made to create profile while the files are in idle state similarly to the teaching by Jinag, because this would allow to utilize the stored file without additional burden on those who attempt to access files, i.e. if more than one task would be performed at the same time, this

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could slow down all the users from accessing a file and in some situation could lead to overload.

Response to Arguments

10. Applicant's arguments with respect to claims 1-64 have been considered but are moot in view of the new grounds of rejection.

The Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Carter et al (US Patent 6826557) disclose a method and apparatus for characterizing and retrieving query results, comprising the data set wherein the information can be filtered in order to narrow down the data set, furthermore data can be also categorized.
- Brody (US Publication 2004/0215612) discloses an arrangement for selecting the data objects from the collection, wherein the data further can be categorized.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquiry

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela M. Lie whose telephone number is 571-272-8445. The examiner can normally be reached on M-F.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Angela M Lie



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